

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

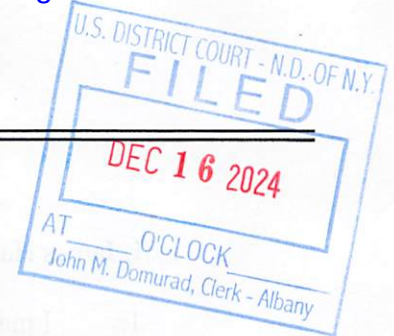
UNITED STATES OF AMERICA

v.

MARK TREMBLAY

Defendant.

Case No. 1:24-mj- 576 (CFH)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 13, 2024 in the county of Rensselaer in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 2251(a)

Offense Description
Sexual Exploitation of a Child

This criminal complaint is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

James Hamilton, Special Agent, HSI

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: December 16, 2024

Judge's signature

City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

Affidavit in Support of Criminal Complaint

I, James Hamilton, being duly sworn, depose and state as follows:

1. I made this affidavit in support of an application for a criminal complaint and arrest warrant for Mark TREMBLAY charging TREMBLAY with sexual exploitation of a child, in violation of Title 18 United States Code, Section 2251(a).

2. I am a Special Agent with the US Immigration and Customs Enforcement Office of Homeland Security Investigations (HSI) and have been since June 2002. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). I have been a law enforcement officer for over 27 years. I was a police officer for approximately five years and have been a Special Agent for more than 22 years.

3. I have extensive experience in conducting child exploitation and child pornography investigations. I have obtained numerous search warrants and criminal complaints in such investigations. I submit this affidavit in support of a criminal complaint charging Mark TREMBLAY with sexual exploitation of a child, in violation of 18 U.S.C. § 2251. Because this affidavit is being submitted for the limited purpose of establishing probable cause to believe that TREMBLAY committed the charged offense, it does not set forth everything I know about this investigation.

PROBABLE CAUSE

4. On or about December 4, 2024, the Internet Crimes Against Children ("ICAC") Task Force, a unit of the New York State Police ("NYSP"), received copies of a high priority CyberTipline Report # 202663564 ("CYBERTIP") submitted by an online messaging application

("APP 1"), which is also an electronic service provider ("ESP"), to the National Center for Missing and Exploited Children ("NCMEC"). The CYBERTIP concerned the sharing on APP 1, during a private chat message, of apparent child pornography video files from SUBJECT ACCOUNT 1 to another APP 1 user. NCMEC noted the files reported by APP 1 appeared unfamiliar to NCMEC staff and "may have been recently produced or homemade." The CYBERTIP explained further that the ESP had reviewed the entire video files, which were then also reviewed by the NYSP and your affiant. One of the video files reported in the CyberTip is described below.

- a. Filename ending 8516c.mp4: This is a 9 second video file that depicts a naked adult male holding a naked toddler ("V1") as he smiles for the camera. V1's buttocks are visible to the camera. While holding the child, the adult male adjusts the camera to show the adult male's penis. The male thrusts his pelvis forward at this point. Then he readjusts the camera to show his face, and V1 turns to show its face, sucking on a pacifier.
4. In the CYBERTIP, APP 1 provided SUBJECT ACCOUNT 1's account information, including:

- a. Home Email Address: mark.XXXXXXXXXX90@gmail.com
- b. Display Name: Mark S
- c. IP Address: 98.XX.XXX.70 (Login) ("SUBJECT IP ADDRESS")

5. On December 5, 2024, the Honorable Daniel J. Stewart, United States Magistrate in the Northern District of New York, signed a search warrant directed to APP 1 authorizing the search of SUBJECT ACCOUNT 1 for evidence of violations of Title 18, United States Code, Sections 2251 (sexual exploitation of a minor); 2252A(a)(2) (distribution of child pornography); and 2252A(a)(5) (possession of child pornography).

6. In the APP 1 search warrant response, APP 1 provided files responsive to SUBJECT ACCOUNT 1 in the form of two folders, "content" and "logs." The "content" folder contains a

combination of image files, video files, and a folder containing “text message data.” The “logs” folder contains a variety of files that detail activity within the account. In the content folder, I found the video files that were reported in the CYBERTIP, including the file described above, and additional files that depict an adult male who is naked, in some cases engaging in sexual or simulated sexual acts in the presence of V1. Using the log files and text message data, I found that the user of SUBJECT ACCOUNT 1 was creating these video files and sharing them directly with a user of a second APP 1 account, SUBJECT ACCOUNT 2. The user of SUBJECT ACCOUNT 2, as found in the text message data, stated that they are an 18-year-old female from another state.

7. An analysis of the APP 1 warrant returns, including the chats between SUBJECT ACCOUNT 1 and SUBJECT ACCOUNT 2, was conducted by myself and another NYSP investigator. On or about November 11 through November 12, SUBJECT ACCOUNT 1 and SUBJECT ACCOUNT 2 exchanged sexually explicit chats through APP 1. For example, on November 12, SUBJECT ACCOUNT 1 told SUBJECT ACCOUNT 2: “Ugh I wish I was holding one leg up on the crib so I could get deep as fuck in your tight little pussy until you squirted all over my cock and [V1’s] crib.” In response, SUBJECT ACCOUNT 2 stated: “I would squirt on his face,” apparently referring to V1 in the crib. Also, SUBJECT ACCOUNT 2 asked SUBJECT ACCOUNT 1 to have V1 grab SUBJECT ACCOUNT 1’s penis (“Let him grab it”), and also to show V1’s penis (“SHOW ME HIS LITTLE DICK”).

8. In addition to locating the video files that were previously reported by APP 1 in the CYBERTIP, I discovered other files in the APP 1 return for SUBJECT ACCOUNT 1 that, in my training and experience, depict child pornography in the form of lascivious exhibition, specifically showing V1’s genitals. These two lascivious exhibition video files (“2 VIDEO FILES”) are described as follows:

- a. File ending a7847: This is a 9 second video, produced by the male subject depicted. The male subject is naked, and he is holding V1, who is also naked. The adult male holds the phone, showing the background of V1's bedroom, and points the camera to show both the adult male's penis and V1's penis in the video ("VIDEO ONE").
 - b. File ending 8cfab: This is a 7 second video produced by the male subject depicted. The adult male is holding V1, and both subjects are naked. The adult male is holding the camera, and he moves the camera to show both his naked penis and V1's naked penis ("VIDEO TWO").
9. The 2 VIDEO FILES were sent by SUBJECT ACCOUNT 1 to SUBJECT ACCOUNT 2 on or about November 13, 2024. I have reviewed the chats between the two accounts around the time the 2 VIDEO FILES were sent. SUBJECT ACCOUNT 2 tells SUBJECT ACCOUNT 1 that: "... I want you to hold him like yesterday but turn him around and show me both those dicks so I can see them." Shortly thereafter, SUBJECT ACCOUNT 1 sent VIDEO ONE to SUBJECT ACCOUNT 2, to which SUBJECT ACCOUNT 2 replied, "lol oh he is so mad lol." SUBJECT ACCOUNT 2 then directed that SUBJECT ACCOUNT 1 "... hold his legs open like right above your cock ... [l]et me compare [your and V1's penises]." SUBJECT ACCOUNT 1 says, "[h]aha ok last one though he's so mad" and then sends VIDEO TWO to SUBJECT ACCOUNT 2.

10. A summons was served to Charter Communications for subscriber information for the SUBJECT IP ADDRESS used to access SUBJECT ACCOUNT 1 on various dates and times that are relevant to this investigation. In response, Charter provided subscriber information, including: subscriber name: MARK TREMBLAY; service address: XXX XXX XXX XXXX XXXX, Rensselaer, New York; and username or features: mark.XXXXXXXXXX90@gmail.com. . According to the New York Department of Motor Vehicles ("DMV"), TREMBLAY has a valid New York driver license. The adult male subject in the CYBERTIP video files and 2 VIDEO FILES distributed by SUBJECT ACCOUNT 1 to SUBJECT ACCOUNT 2 is the same as the

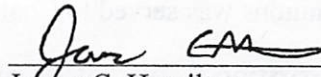
DMV driver's license photo for Mark TREMBLAY. Subsequently, on December 13, 2024, this Court issued a search warrant for the person, vehicle, and Rensselaer, New York residence of Mark TREMBLAY.

11. On December 16, 2024, investigators executed a search warrant at TREMBLAY's residence. TREMBLAY agreed to speak with your affiant and other law enforcement officers at the East Greenbush Police Department. After waiving his *Miranda* rights, TREMBLAY stated, in sum and substance, that SUBJECT ACCOUNT 1 was his and that he had sent the 2 VIDEO FILES described above to SUBJECT ACCOUNT 2. TREMBLAY identified V1 in the videos described herein, including the 2 VIDEO FILES, as a child who was born in 2023.

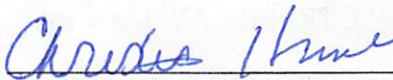
CONCLUSION

Based upon the above information, I respectfully request that the Court issue the proposed criminal complaint and sign the associated arrest warrant.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF
RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE


James C. Hamilton
Special Agent, HSI

I, the Honorable Judge Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on December 16, 2024, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Hon. Christian F. Hummel
United States Magistrate Judge